

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

2003P05657WOUS

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on _____

Signature _____

Typed or printed name _____

Application Number

10/567,618

Filed

05/13/2008

First Named Inventor

Walter Fursich

Art Unit

2835

Examiner

Bradley H. Thomas

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

/Ralph G. Fischer/

Signature

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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Registration number if acting under 37 CFR 1.34 55,179

October 7, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.



*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

A. Claims 13-32 Are Allowable Over The Cited Art

**1. Claims 13-19, 21-23, 26-29 And 32
Are Not Anticipated By Sumer et al.**

Claim 13 requires a housing to include a connection area configured to be at least partially accessible from outside of the housing and a housing cover that includes a first hood and a cover portion. The first hood has push through openings and at least one attachment mechanism. The cover portion has at least one clip connection mechanism sized and configured to releasably retain the at least one attachment mechanism of the first hood. The housing also includes a base housing part and a printed circuit board arranged between the base housing part and the cover portion. The printed circuit board has an extension area, comprised of at least one first plug in device for a first extension printed circuit board. The cover portion is configured to releasably attach to the base housing part and is configured to clamp at least a portion of the printed circuit board against the base housing part when the cover portion is attached to the base housing part. The first hood is only releasable from the cover portion after the at least one attachment mechanism and at least one clip connection mechanism are interlocked by use of a tool. Claims 14-32 depend directly or indirectly from claim 13 and therefore also contain the limitations of claim 13.

a. Sumer et al. Do Not Teach Or Suggest Push Through Openings

The Examiner contends that Sumer et al. disclose a push through opening at element 108. However, this opening is not a push through opening. Opening 108 is merely an access opening and is always open. There is no pushing through required to create that opening. Sumer et al. fail to teach or suggest the push through opening as required by claim 13 or the claims that depend from claim 13.

An example of a push through opening is breakout parts shown in Figure 3 and taught in paragraph 20 of the specification. The breakout parts may be broken out by pushing on the breakout. Paragraph 11 of the specification also teaches such openings.

Access opening 108 is not a push through opening or openings. It is only one opening and it is not a push through opening. Therefore, at least this element of the pending claims is not taught or suggested by Sumer et al.

b. Sumer et al. Do Not Teach Or Suggest Plug In Devices

The Examiner reads Sumer et al. as disclosing plug in devices at elements 147, 149 and 151. However, as Sumer et al. make clear, these elements are plugs, not plug-in devices. Plugs are not plug in devices. Plug in devices are devices configured to receive extension boards. This is made clear by the explicit text of claim 13, which states that "at least one first plug in device for a first extension printed circuit board." This is also clear from the specification, which teaches that "Extension circuit boards are plugged into the plug-in devices 23."

The plugs 147, 149 and 151 are not for receiving extension printed circuit boards. Indeed, as taught by Sumer et al., circuit boards 146, 148 and 150 are all integral to each other. Specifically, the boards are part of an "integrated access device 145". (Col. 5, lines 1-5). Plugs 147, 149 and 151 of Sumer et al. are configured to connect to jacks 126 or terminal strip 118 via wires 131 (*See e.g.* Figure 2).

Sumer et al. do not teach or suggest any plug in device for an extension circuit board. Indeed, as Sumer et al. teach, boards 146, 148 and 150 are all one device. There are no extension boards attached to board 146.

c. Sumer et al. Do Not Teach Interlocking By Use Of A Tool

The pending claims require the first hood to only be releasable from the cover portion after the at least one attachment mechanism and at least one clip connection mechanism are **interlocked by use of a tool**. In the Office Action, the Examiner contends that Sumer et al. disclose such a device because a finger is required to unlatch a cover in Sumer et al. But, a finger is not a tool.

Indeed, Sumer et al. specifically teach that latch 104 "enables cover 102 to be opened without a tool." (Col. 3, lines 33-34). A tool is something other than a human body part. For example, the definition of tool is "a handheld device that aids in accomplishing a task." Merriam-Webster's Online Dictionary, *available at* <http://www.merriam-webster.com/dictionary/tool>. As is clear from the ordinary meaning of the term "tool" and Sumer et al., a human finger is not a tool and cannot read on the tool limitation recited in claim 13.

In fact, Sumer et al. teach away from requiring a cover to be released via use of a tool. (Col. 3, lines 33-34). Sumer et al. do not teach or suggest the use of a first hood to only be releasable from the cover portion after the at least one attachment mechanism and at least one clip connection mechanism are interlocked by use of a tool.

Sumer et al. fail to teach or suggest numerous limitations found within the pending claims. Therefore, Sumer et al. cannot anticipate these claims. Indeed, Sumer et al. teach away from the pending claims. For at least the above reasons, the rejection of the pending claims should be withdrawn.

2. Claims 17 and 18 Are Not Anticipated By Sumer et al.

Claims 17 and 18 depend from claim 13 and are therefore allowable because claim 13 is allowable. Moreover, claims 17 and 18 include additional limitations that are not taught by Sumer et al. Claims 17 and 18 require "the printed circuit board includes a second plug-in device that establishes an electrical connection with a second extension printed circuit board." Sumer et al. do not teach such a plug in device.

The Examiner contends that plugs 149, 151 establish a connection with an extension board 150. To the contrary, circuit boards 146, 148 and 150 are all part of "an integrated access device (IAD) 145." (Col. 5, lines 1-4). The plugs 147, 149 and 151 are not for extension circuit boards. To the contrary, the plugs 147, 149 and 151 are for wires 131 to connect the boards to other elements, such as jacks 126. The plugs 147, 149 and 151 are not for any extension boards.

B. Claims 20, 24-25, And 30-31 Are Allowable

Claims 20, 24-25 and 30-31 depend directly or indirectly from claim 13. These claims are allowable at least because claim 13 is allowable.